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# HOUSE BILL No. 1108

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## DIGEST OF INTRODUCED BILL

**Citations Affected:** IC 9-13-2-1.7; IC 9-21-8-55; IC 35-42-2-2.

**Synopsis:** Aggressive driving and criminal recklessness. Defines "aggressive driving". Makes aggressive driving a Class A misdemeanor if it is done knowingly or intentionally. Makes criminal recklessness: (1) a Class D felony instead of a Class B misdemeanor if the offense is committed by a person who committed aggressive driving and caused serious bodily injury to another person; and (2) a Class C felony instead of a Class B misdemeanor if the offense is committed by a person who committed aggressive driving and caused the death of another person. Makes criminal recklessness a Class C felony instead of a Class B misdemeanor if it is committed by shooting a firearm into an inhabited dwelling or other building or place where people are likely to gather. (Current law requires that the shooting be done from a vehicle.)

**Effective:** July 1, 2006.

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January 5, 2006, read first time and referred to Committee on Courts and Criminal Code.

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Second Regular Session 114th General Assembly (2006)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2005 Regular Session of the General Assembly.

## HOUSE BILL No. 1108

A BILL FOR AN ACT to amend the Indiana Code concerning criminal law and procedure.

*Be it enacted by the General Assembly of the State of Indiana:*

1 SECTION 1. IC 9-13-2-1.7 IS ADDED TO THE INDIANA CODE  
2 AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY  
3 1, 2006]: **Sec. 1.7. "Aggressive driving", for purposes of**  
4 **IC 9-21-8-55, has the meaning set forth in IC 9-21-8-55(a).**

5 SECTION 2. IC 9-21-8-55 IS ADDED TO THE INDIANA CODE  
6 AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY  
7 1, 2006]: **Sec. 55. (a) For purposes of this section, a person engages**  
8 **in aggressive driving if, during one (1) episode of continuous**  
9 **driving of a vehicle, the person does or commits at least three (3)**  
10 **of the following:**

- 11 (1) **Following a vehicle too closely in violation of IC 9-21-8-14.**
- 12 (2) **Unsafe operation of a vehicle in violation of IC 9-21-8-24.**
- 13 (3) **Overtaking another vehicle on the right by driving off the**  
14 **roadway in violation of IC 9-21-8-6.**
- 15 (4) **Unsafe stopping or slowing a vehicle in violation of**  
16 **IC 9-21-8-26.**
- 17 (5) **Unnecessary sounding of the horn in violation of**



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1 IC 9-19-5-2.

2 (6) Failure to yield in violation of IC 9-21-8-29 through  
3 IC 9-21-8-34.

4 (7) Failure to obey a traffic control device in violation of  
5 IC 9-21-8-41.

6 (8) Driving at an unsafe speed in violation of IC 9-21-5.

7 (9) Repeatedly flashing the vehicle's headlights.

8 (b) A person who knowingly or intentionally engages in  
9 aggressive driving commits aggressive driving, a Class A  
10 misdemeanor.

11 SECTION 3. IC 35-42-2-2 IS AMENDED TO READ AS  
12 FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 2. (a) As used in this  
13 section, "hazing" means forcing or requiring another person:

14 (1) with or without the consent of the other person; and

15 (2) as a condition of association with a group or organization;  
16 to perform an act that creates a substantial risk of bodily injury.

17 (b) A person who recklessly, knowingly, or intentionally performs:

18 (1) an act that creates a substantial risk of bodily injury to another  
19 person; or

20 (2) hazing;

21 commits criminal recklessness. Except as provided in subsection (c),  
22 criminal recklessness is a Class B misdemeanor.

23 (c) The offense of criminal recklessness as defined in subsection (b)  
24 is:

25 (1) a Class A misdemeanor if the conduct includes the use of a  
26 vehicle;

27 (2) a Class D felony if:

28 (A) it is committed while armed with a deadly weapon; or

29 (B) the person committed aggressive driving (as defined in  
30 IC 9-21-8-55) and caused serious bodily injury to another  
31 person; or

32 (3) a Class C felony if:

33 (A) it is committed by shooting a firearm from a vehicle into  
34 an inhabited dwelling or other building or place where people  
35 are likely to gather; or

36 (B) the person committed aggressive driving (as defined in  
37 IC 9-21-8-55) and caused the death of another person.

38 (d) A person who recklessly, knowingly, or intentionally:

39 (1) inflicts serious bodily injury on another person; or

40 (2) performs hazing that results in serious bodily injury to a  
41 person;

42 commits criminal recklessness, a Class D felony. However, the offense

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1 is a Class C felony if committed by means of a deadly weapon.

2 (e) A person, other than a person who has committed an offense  
3 under this section or a delinquent act that would be an offense under  
4 this section if the violator was an adult, who:

5 (1) makes a report of hazing in good faith;

6 (2) participates in good faith in a judicial proceeding resulting  
7 from a report of hazing;

8 (3) employs a reporting or participating person described in  
9 subdivision (1) or (2); or

10 (4) supervises a reporting or participating person described in  
11 subdivision (1) or (2);

12 is not liable for civil damages or criminal penalties that might  
13 otherwise be imposed because of the report or participation.

14 (f) A person described in subsection (e)(1) or (e)(2) is presumed to  
15 act in good faith.

16 (g) A person described in subsection (e)(1) or (e)(2) may not be  
17 treated as acting in bad faith solely because the person did not have  
18 probable cause to believe that a person committed:

19 (1) an offense under this section; or

20 (2) a delinquent act that would be an offense under this section if  
21 the offender was an adult.

22 **SECTION 4. [EFFECTIVE JULY 1, 2006] IC 9-21-8-55, as added**  
23 **by this act, and IC 35-42-2-2, as amended by this act, apply only to**  
24 **offenses committed after June 30, 2006.**

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